

was a shining star on and off the football field. In high school at Leland High in San Jose, CA, Pat was named the Central Coast Co-Player of the Year for 1993 and earned a scholarship to Arizona State University. At Arizona State, he led the team to the Pacific-10 Conference Title and then to the Rose Bowl. In 1997, while at Arizona State, Pat was named Pac-10 Defensive Player of the Year. Pat also knew the value of a good education. He earned a degree in marketing at Arizona State University, while also maintaining a 3.84 GPA. The Arizona Cardinals selected Pat in the 1998 NFL draft where he played hard for the Cardinals as a safety. In 2000, the St. Louis Rams offered him a substantial increase in compensation to play for them. However, out of loyalty, Pat turned it down to stay in Phoenix.

It was Pat's deep loyalty and character that led him to his next career move. After the horrific attacks of 9/11, Pat, who was just returning from his honeymoon, announced that he was leaving the NFL to join the Army Rangers. Pat left behind his new bride Marie and a substantial contract from the Arizona Cardinals.

Pat Tillman was not about money or fame. He was a remarkable young man who put his country and its ideals ahead of himself. Pat's physical strength and talents were only overshadowed by his personal integrity. The United States Army posthumously awarded Pat the Purple Heart, the Meritorious Service Medal, the Silver Star, the Good Conduct Medal and the Combat Infantryman's Badge.

Pat Tillman was a loving husband, son, and brother. My heart goes out to his wife Marie, his parents, Patrick, Sr. and Mary; his two brothers, Kevin and Richard and the countless others whose lives he touched. I want his family to know that people across California and throughout our country share their grief as we also salute the gift of his life and service.

Pat Tillman was a man of great strength, courage and patriotism. His example will continue to inspire countless Americans for years to come. It is most appropriate that we honor him for his outstanding courage and his selfless devotion to others and to his country. A hero is gone, but he will not be forgotten.

#### HONORING ALASKA CORRECTIONAL OFFICER DANIEL BATES

Ms. MURKOWSKI. Mr. President, law enforcement officers from around the Nation—troopers, police officers, sheriff's deputies, professional corrections officers, conservation officers and rangers and federal law enforcement officers—are traveling to our Nation's Capital for the annual observance of National Police Week which begins on May 9 and continues through May 15.

National Police Week is a solemn period, during which law enforcement officers recognize their brothers and sis-

ters who died in the line of duty and provide support and comfort to the survivors.

Last year, during National Police Week, I had the sad duty of acknowledging the loss of Officer James C. Hesterberg, the first member of the Alaska Department of Corrections to lose his life in the line of duty. This year, I must sadly acknowledge the loss of Officer John Watson of the Kenai Police Department who was fatally shot while on duty on Christmas night 2003.

On May 11, as part of the National Police Week observance, Corrections U.S.A., an association of 90,000 publicly-employed professional corrections officers, will meet to honor their brothers and sisters who have performed acts above and beyond in the protection of public safety.

It gives me great pride to recognize Officer Daniel Bates, an employee of the Alaska Department of Corrections, presently assigned to the Hiland Mountain Correctional Center, who will receive the 2004 Silver Medal of Valor from Corrections U.S.A.

On December 31, 2000, Officer Bates, then assigned to the Ketchikan Correctional Center, reacted quickly and professionally to an incident involving an inmate who one month prior was convicted of twelve criminal counts stemming from the armed robbery of a liquor store and a convenience store. Two of those counts were for the crime of attempted murder. The prisoner in question was arrested after an all night manhunt during which he shot at police officers who tried to apprehend him at a motel.

The inmate was participating in outdoor recreation at the jail when he began to scale the first of two perimeter fences around the exercise area. He succeeded in scaling the inner fence, ignoring orders to stop, and failed to stop after being struck by a rubber projectile fired by Officer Bates. After the prisoner breached the outer fence, the final barrier, Officer Bates fired at him with live ammunition, bringing him down.

Given this inmate's history of violence toward law enforcement officers, it was critical to the public's safety that Officer Bates acted promptly and decisively to prevent the escape. His calm and professional actions may have been instrumental in keeping the names of one or more Alaska law enforcement officers off of the National Law Enforcement Officer's Memorial Wall in Judiciary Square. For this we are grateful.

Our Nation's professional correctional officers are said to walk the toughest beat in law enforcement. I am pleased to join with Corrections U.S.A. in recognizing one of America's finest officers, Daniel Bates, a veteran member of the Alaska Department of Corrections, whose actions personify the department's motto, "Vigilance Pride Dedication."

I thank the President and yield the floor.

#### ABUSE OF IRAQI PRISONERS

Mr. FEINGOLD. Mr. President, I share the sense of outrage and disgust that has been expressed by so many Americans since the allegations and horrifying pictures of deeply troubling abuses at the Abu Ghraib prison in Iraq have come to light.

I am particularly sickened by the damage that has been done to the brave men and women of the United States military. The depraved acts of a few risk tarnishing the reputation of hundreds of thousands of American servicemen and women who behave honorably every day, even in extraordinarily difficult circumstances. These acts also put our troops at risk, by casting them in the role of abusers, making it more difficult to gain the trust and cooperation of Iraqis. Anytime the Geneva Convention is violated, the framework of basic standards on which all military personnel and their families depend is weakened.

I am also troubled by the irreparable damage done to American power. Our power does not come only from military might or economic muscle. We also derive power from what we stand for. Our commitment to basic human rights, to human dignity, and to the rule of law gives us power to persuade and to lead and to inspire. When this commitment is called into question, American power is diminished, and this is a terrible loss.

Now that these appalling acts have been exposed and reported around the world, we must proceed to show the world something else—that our military, our political system, and our society do not condone this behavior, that we are capable of a full and transparent accounting for what has happened and how it has happened, that we will take action to correct the failures in the system, and that we are committed to addressing these abuses through the rule of law.

#### DISCLOSING GOVERNMENT WRONGDOING

Mr. AKAKA. Mr. President, today I rise to pay tribute to those public servants who step forward to disclose government waste, fraud, and abuse. Commonly called whistleblowers, these individuals alert Congress and the public to threats to health, waste of taxpayer money, and other information vital to running an effective and efficient government. While there are protections in place for Federal employees who disclose government wrongdoing, certain legal decisions prevent many from coming forward. To underscore the importance of whistleblowers, Time Magazine called 2002 the "Year of the Whistleblowers" because of the bravery of FBI Agent Colleen Rowley, who alerted Congress to serious institutional problems at the FBI, and Sherron Watkins and Cynthia Cooper, who blew the whistle on financial mismanagement at Enron and WorldCom, respectively.

Today, as in 2002, it is important that during Public Service Recognition Week we acknowledge those who disclose information without assurances of protection and pledge to do what we can to provide full protection for those trusted public servants.

Congress has a duty to taxpayers to make informed decisions when carrying out its legislative, appropriation, and oversight functions. Such decisions require access to timely and accurate information, and when access is restricted, we are unable to provide oversight and fulfill our constitutional responsibilities. Only through a credible, functioning statute can we protect the rights of Federal workers who wish to communicate with Congress. Guaranteeing freedom from retaliation or abuse when disclosing critical information to Congress is the underpinning of the Whistleblower Protection Act, WPA.

Congress has worked hard, and continues to work, to provide real whistleblower protection to Federal employees. Unfortunately, through a series of decisions contrary to both statutory language and congressional intent, the Federal Circuit Court of Appeals, which has sole appellate review for the WPA, has denied full whistleblower protections to Federal workers and harmed Congress's ability to do its job. In fact, of the 85 retaliation cases decided on the merits since 1994, the Federal circuit has ruled for the whistleblower only once.

To ensure continued whistleblower protection, I introduced S. 1358, the Federal Employee Protection of Disclosures Act, on June 26, 2003, with Senators GRASSLEY, LEVIN, LEAHY, and DURBIN. Since introduction, we have been joined by Senators Dayton, Pryor, and Johnson. Our bill would strengthen protections for Federal employees who report government waste, fraud, abuse, gross mismanagement, and substantial and specific dangers to public health and safety.

Congress has consistently supported the principle that Federal employees should not be subject to prior restraint from disclosing wrongdoing. For example, every year since 1988 Congress has included in every Transportation, Treasury, and General Government Appropriations bill an "anti-gag" provision which prohibits the use of Federal funds to implement nondisclosure policies that are inconsistent with several open government statutes, such as the WPA of 1989 as amended in 1994, the Military Whistleblower Protection Act of 1998, and the Lloyd Lafollette Act of 1912, which prohibits discrimination against government employees who communicate with Congress.

However, more must be done. Since we introduced our bill there have been several more public reports of Federal employees allegedly being fired or threatened with termination or other retaliation for communicating with Congress and disclosing government wrongdoing to the press. These reports include the controversy surrounding the U.S. Park Police and cost esti-

mates for the newly enacted Medicare prescription drug program. In order to aid these and other employees and provide full protection to Federal whistleblowers, S. 1358 would codify the "anti-gag" provision and allow employees to bring cases seeking remedial action for retaliation before the Merit Systems Protection Board, MSPB, an independent, quasi-judicial agency that adjudicates Federal employee appeals.

In addition, our bill, the Federal Employee Protection of Disclosures Act, would overturn certain Federal Circuit decisions which have denied protection to employees who made disclosures in the course of their job duties or reported initially to the wrongdoer or a coworker. S. 1358 would also suspend the Federal Circuit's exclusive jurisdiction over WPA reprisal cases for 5 years, and overturn the wrongly established "irrefragable proof" standard imposed by the Federal circuit for whistleblowers to qualify for protection.

Although much press has been given to recent whistleblower cases, it is important to remember those who have reported allegations of aircraft maintenance violations, water safety regulations, and lapses in our national security. Protecting Federal employees who blow the whistle allows us to protect taxpayers and, in recent notable instances, national security as well. That is why the WPA is often referred to as the Taxpayer Protection Act.

During Public Service Recognition Week, I urge my colleagues to remember public servants who have come forward and honor them by supporting S. 1358 and strengthening protections for whistleblowers.

#### ADDITIONAL STATEMENTS

##### THE BLACK SHIPS FESTIVAL

• Mr. CHAFEE. Mr. President, this year marks the 150th anniversary of the signing of the Treaty of Kanagawa, which opened trade between Japan and the United States. Rhode Islanders take great pride in the historic role played by Commodore Matthew C. Perry, USN, who was integral in the formation of the treaty.

In 1853, Japan had been almost completely closed to foreigners for over 200 years, denying trade, refusing shipwrecked sailors, and, most importantly, refusing to serve as a coaling station for the growing numbers of steamships slogging the long haul across the Pacific. Commodore Perry was dispatched to Japan with full diplomatic powers by President Millard Fillmore for the purpose of opening that nation's doors to foreign trade.

On Friday, July 8, 1853, Commodore Perry steamed four huge ships into what is now Tokyo Bay. The hulks breathed thick dark smoke, and were instantly dubbed the "Black Ships" by the shocked citizens of Japan. Their arrival set the city of Edo, inhabited by more than one million people, into commotion. The Japanese had not fought a single war for 256 years, but now they feared an invasion.

But Perry had not come to invade. Instead, he planned to deliver a letter to the Emperor, signed by President Fillmore, proposing "that the United States and Japan should live in friendship and have commercial intercourse with each other." When his peaceful intentions became clear, tension around Edo Bay soon gave way to curiosity as each people sought to learn more about the strange new other.

Commodore Perry gave the presidential letter to local officials shortly after his arrival, explaining that he would return the following spring to receive the Japanese reply. He arrived in Edo Bay slightly ahead of schedule, on February 13, 1854, this time with nine ships anchored near the city of Kanagawa. The cultural exchanges continued. After a stunning parade on land, Perry arranged a 21-gun salute to honor the Emperor, and then flew the Shogun's flag from the masthead of one of his ships. He presented his hosts with an array of gifts, including books, maps of America, whiskey, wine, clocks, rifles, perfumes, a miniature steam engine with railroad, and telegraph equipment—all of which aroused much awe in the growing crowds. The Japanese presented the Commodore and his officers with gifts from the Emperor, including scrolls, porcelain tea sets, silks, jars of soy sauce, umbrellas, swords, and ornate lacquer ware. They even treated the sailors to a Sumo wrestling show. When one Japanese commissioner left an American-hosted banquet, he gave Perry a crushing hug and exclaimed, "Japan and America, all the same heart."

On March 31, after weeks of delicate and complex negotiations, a treaty declaring "peace and friendship between the United States of America and the Empire of Japan" was signed. The treaty of Kanagawa opened the seaports of Shimoda and Hokodate to American ships, and granted shipwrecked sailors protection in Japan. After the signing, the Japanese held a great feast for the Americans, and there was much celebration. As author Rhoda Blumberg writes, "It is remarkable that people in the land of the Shogun could be so gracious and hospitable to unwanted visitors from the Black Ships and that the Americans could overcome their prejudice against a 'different' people and enjoy their company."

Americans and Japanese were gracious, hospitable, and did enjoy each other's company at their first encounter. And that relationship continues today. The Japan-America Society and Black Ships festival of Rhode Island have helped maintain the bonds of friendship between our two nations. This month, representatives from Rhode Island will be participating in a ceremony in Newport, Rhode Island's sister city, Shimoda, Japan, commemorating the 65th anniversary of